

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

BRANDON MATTHEW ALWELL #595251	CIVIL ACTION NO. 20-cv-465 SEC P
VERSUS	JUDGE FOOTE
JAMES M LEBLANC, ET AL	MAGISTRATE JUDGE HORNSBY

**J U D G M E N T**

The Court has thoroughly reviewed the record, including the written objections filed, and concurs with the findings of the Magistrate Judge under the applicable law. However, Plaintiff’s objection to the Report and Recommendation directs the Court’s attention to a second grievance that he filed in January 2020 that the Court will briefly address. Record Document 31 at 18-20.

Plaintiff argues that the Court should consider the January 2020 grievance—which alleges more generally that his medication is not on the pill cart—in combination with his earlier grievance and find that he has properly exhausted his administrative remedies as to all claims asserted in this matter. Record Document 120 at 2. The January 2020 grievance was rejected by prison officials, though, which means there was never a determination made on the merits and the grievance does not satisfy the administrative exhaustion requirements. Record Document 33 at 18; 22 La. Admin. Code tit. 22, Pt. I, § 325(I)(1) (stating that grievances will be screened and either accepted and processed or rejected and not processed until the deficiency leading to its rejection is corrected); 22 La. Admin. Code tit. 22, Pt. I, § 325(F)(3)(vii) (“Exhaustion can only occur when a second step response on

the merits has been issued.”). The Court thus concludes that this grievance has no effect on the instant case and, for the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein;

It is ordered that Plaintiff’s motion for partial summary judgment (Doc. 107) is denied. Defendants’ motion for summary judgment (Doc. 111) is granted. All claims based on the denial of medication on November 22, 2019 are dismissed with prejudice. All claims other than those based on the denial of medication on November 22, 2019 are dismissed without prejudice.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 7th day of August, 2021.

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ELIZABETH E. FOOTE  
UNITED STATES DISTRICT JUDGE

